

LICENSE HEARING MINUTES
Buffalo Wild Wings, 80 Snelling Avenue North
Friday, May 31, 2013, 10:00 a.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:00 a.m.

Staff Present: Tom Beach, Department of Safety and Inspections (DSI); Larry Zangs, DSI; and David Kuebler, Public Works

Applicant: Katherine Becker, Attorney representing the Applicant, Buffalo Wild Wings, Susan Benson, Regional Manager, Buffalo Wild Wings; and Stephen Merz, Director of Construction, Buffalo Wild Wings

Others Present: Brian Millberg, 1504 Summit Avenue

Buffalo Wild Wings: Liquor On Sale – 181-290 Seats, Liquor On Sale – Sunday, and Restaurant (5) – 151 and Over

Ms. Vang stated that this hearing had been continued from May 16, 2013 to allow time to work out an agreement on the conditions to the license which she understood had been signed. The other remaining issue was the entrance/exit on Ashland Avenue in addition to the construction of a fence along Ashland Avenue. She again reminded that this was an informal process and at the end of the hearing, she will make a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

Ms. Becker stated that since the last hearing, they had met with city staff, staff from MnDOT and the owner to work out the issue concerning the entrance on Ashland Avenue. There was agreement that this entrance be relocated directly across from the alley. They also would be installing a wrought iron fence, made from aluminum material, along the Ashland Avenue side of the property. She noted that the dumpsters would be screened with a cedar wooden fence. She referred to the updated site plan regarding the relocation of the entrance.

Mr. Merz stated that he attended the meeting with representatives of Public Works and MnDOT to discuss moving the entrance on Ashland Avenue from the present location to an area across from the alley on Ashland. It was agreed that he would present a schematic drawing of the location for approval and then would bid out for construction. He anticipated the work would start in mid-July to the beginning of August with the work being completed by the middle of August.

Ms. Vang asked when they planned to open the restaurant. Ms. Becker responded they were anticipating opening on June 24, 2013. Ms. Vang asked if this would cause any problems if the restaurant opened and the new entrance/exit work had not yet been started or completed. Mr. Beach responded that he believed the move of the curb cut could be added as a condition to the license since it wasn't possible to have the work done by the opening of the restaurant.

Ms. Becker responded that she was in agreement with putting this as a condition on the license. She expressed concern about being able to open by June 24th and asked to be placed on the council agenda for the June 5th meeting. They had hired over 100 new employees who needed to be trained on serving alcohol as well as to be able to stock the restaurant.

Ms. Vang responded that it would be extremely difficult to have the resolution presented to the City Council for the June 5th meeting since the agenda for that meeting had already been published. It was her understanding that notification to the public was necessary for any item to go before the City Council for consideration. She suggested that perhaps they could use an alternate location for training employees.

Mr. Merz responded that the Snelling restaurant had a different configuration than their other restaurants in that the bar and dining have a new configuration with the dining and bar area being segregated. The prototype used for their older restaurants was what he termed 'a big box to have fun' as the bar and dining areas were not separated. In surveys from customers, dining patrons indicated they wanted more intimacy/less noise during dining rather than being thrust in with patrons enjoying bar activities particularly for special events. None of the other restaurants in the area had this new bar/dining configuration.

Ms. Becker indicated she had sent a letter expressing their desire to open their restaurant by June 24th and they would need to have the license by a certain time to be able to train staff. Ms. Vang responded that she had not received any notification and was not privy to any negotiations or agreements on when this item would be on the council agenda.

Mr. Beach suggested that perhaps they could practice using colored water in place of alcohol. Ms. Benson interjected that staff also needed to learn proper pour of beers in addition to storage of inventory.

Ms. Vang asked Mr. Merz if he could provide the plans for the prototype used by Buffalo Wild Wings in their older store locations in order to compare it with the new design used for their Snelling Avenue location. Ms. Becker responded that she would provide this plan to staff.

Ms. Vang asked about the fence planned for construction along Ashland Avenue and what materials they planned to use. Mr. Merz responded that they planned to use a pre-finished aluminum, picket-style, wrought iron fence. Mr. Beach responded that the city would prefer the material used be steel as opposed to aluminum. Mr. Merz responded that they would then use steel since that was the preference.

Ms. Vang asked Mr. Beach to provide an updated site plan, signed off by him, which includes the landscape, the new curb cut, the fence and any other additions or changes to the site plan. Mr. Beach agreed that he will provide this to Ms. Vang.

Mr. Millberg stated that it was his understanding from the meeting with MnDOT that the city had agreed to do a traffic study on the alley prior to the restaurant opening and then after the restaurant was opened. The area of the study would be Ashland Avenue prior to moving the curb cut and then after the curb cut was moved to the alley.

Mr. Kuebler stated that he was present at the meeting with MnDOT and Public Works agreed to conduct a traffic comparison study prior to and after the opening of the restaurant. The area would include the alley between Laurel and Ashland, as well as Snelling to Laurel and Snelling to Ashland, to determine whether modifications were required if there was a significant increase in cut-through traffic on the alley.

After reviewing all of the documents of record, Ms. Vang said she will recommend to the City Council that they approve the license with the conditions recommended by DSI. The proposed conditions were agreed to by Ms. Becker and are as follows:

1. Management staff will use reasonable efforts to safely ensure that patrons leave the premises in an orderly manner and are not be permitted to loiter in the areas immediately adjacent to the restaurant or in the parking lot at closing.
2. No illuminated signs will be allowed in the window on Ashland.
3. Licensee's staff shall pick up trash daily in the areas immediately adjacent to the restaurant and in the parking lot.
4. The driveway relocation, planned for Ashland, will be initiated on/or before July 15, 2013, with an expected completion date of August 15, 2013.

The hearing adjourned at 10:30 a.m.

The Conditions Affidavit was signed and submitted on June 4, 2013.